

ORIGINAL

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF PENNSYLVANIA
3

4 NATIONAL HEALTHCARE SERVICES, : Civil Action
5 Plaintiff, : No. 02-CV-3600
6 vs. :
7 PENN TREATY AMERICAN CORPORATION :
8 Defendants. :
9

10 - - -
11 Thursday, October 30, 2003
12 Philadelphia, Pennsylvania
13 - - -

14 Oral videotaped deposition of JANE M. BAGLEY, ESQUIRE,
15 taken at the Law Offices of FOX ROTHSCHILD, LLP, 2000
16 Market Street, beginning at approximately 10:00 a.m., on
17 the above date, before Margaret M. Reihl, RPR, CRR, CSR
18 and Commissioner of Deeds.
19

20 - - -
21
22 MARGARET M. REIHL
23 Certified Shorthand Reporter
24 80 Annapolis Drive
25 Sicklerville, New Jersey 08081
(856) 435-6638



Jane M. Bagley, Esquire

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1 on March 23rd from Mr. Barth to Ms. Frantz at Penn
2 Treaty?

3 A. Yes.

4 Q. And I pointed you directly to the language on
5 the next page under Paragraph Number 1?

6 MS. SPECTOR: Objection.

7 BY MR. RIVERA-SOTO:

8 Q. Do you recall that?

9 A. Yes.

10 MS. SPECTOR: Objection.

11 BY MR. RIVERA-SOTO:

12 Q. What understanding, if any, do you have of the
13 words "we have a new exec helping to manage our
14 fulfillment and service job"?

15 A. In a vacuum, right here? It is what it says,
16 but he was doing other things besides fulfillment and
17 service job.

18 Q. When you say "he," who do you mean?

19 A. Mr. Callahan.

20 Q. I didn't ask you about Mr. Callahan. I asked
21 you about the words "we have a new exec helping to
22 manage our fulfillment and service job." What
23 understanding did you have as to that?

24 A. That they have a new executive helping to
25 manage their fulfillment and service job.

Jane M. Bagley, Esquire

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1 Q. And who's the "they"?

2 A. Web Barth, Neal Forman, Herb Schwartz, Mike
3 Hauert, Kathy Lennan.

4 Q. Who issued the E-mail?

5 A. Web Barth.

6 Q. Does he say anywhere in that E-mail that he's
7 sending it on behalf of Neal Forman, Herb Schwartz or
8 National Healthcare Services?

9 MS. SPECTOR: Objection.

10 THE WITNESS: He doesn't say it in here
11 but there were e-mails all the time where Herb would
12 say we or -- you know, in my eye, I was not in the
13 marketing department, but, in my eye, the three of
14 them all worked together in this business.

15 BY MR. RIVERA-SOTO:

16 Q. Do you know if Mr. Barth had a separate
17 agreement with National Healthcare Services in order
18 to provide services?

19 A. I did not know that until much later in our
20 relationship.

21 Q. When?

22 A. When they were asking for more money under the
23 promissory note Neal Forman said, I need to pay Web
24 Barth because we have a contract with him with minimum
25 production requirements, and I said, that's news to